

Remarks/Arguments:

The pending claims are 42-58. Claims 42, 45, 46, 48-53 have been amended. Claims 54-58 have been added. No new matter is added therein.

Paragraph 4 of the Office Action has rejected claims 42, 46, 48, 49, 51 and 53 under 35 U.S.C. § 112, second paragraph. Since these claims have been amended, this rejection should be withdrawn.

Paragraph 5 of the Office Action has rejected claims 45 and 46 under 35 U.S.C. § 102(b) as anticipated by Yeager (U.S. Patent No. 6,167,402). The rejection is respectfully traversed. Amended claim 45 recites, in part:

- (d) placing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the first audio/video message, a position of the at least second audio/video message in the pseudo-chronology being determined by a user of the workstation; and
- (e) storing the first audio/video message and the at least second audio/video message on the workstation in the temporally independent pseudo-chronology.

The Office Action contends that Yeager teaches

- (d) placing and storing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the workstation (see col. 5, lines 19-30: "categorized based on pre-defined criteria, such as a time-period" and col. 6, lines 28-34: "it is essentially a container for holding a series of data buckets for a previously defined time period").

Applicant respectfully disagrees with the Office Action and its interpretation of Yeager.

Applicant's specification explains that a "pseudo-chronology" is "pseudo-chronological order in pseudo-real time, simulating a synchronous network discussion." (page 31, lines 2-3). A pseudo-chronology may be a "pseudo-chronological order for comments, regardless of when they are actually added to the discussion." (page 32, lines 7-8) In other words, "[c]omments can also be added to the discussion out of chronological sequence." (page 32, lines 11-12). The specification differentiates between a pseudo-chronology and a real-time sequence:

organizing the sequence of playback. . .in ways other than chronological sequence. . .while still maintaining the pseudo-chronology and the actual real-time sequence of posting of messages. (page 32, lines 17-21)

The "pseudo-chronology does not have to correspond to the actual order in which comments are recorded and transmitted." (page 74, line 32-page 75, line 2). A discussion structure can be stored in a pseudo-chronological order. (page 2, lines 1-3). See also, Fig. 2 and page 34, lines 10-23 for an illustration of the difference between an actual chronology and a pseudo-chronology.

The features newly recited in paragraph (d) of claim 45, as amended, are supported at least by Figs. 16(a)-16(i) and page 64, line 3-page 67, line 18 of Applicant's specification.

Yeager's col. 5, lines 19-22 does not describe either placing an audio/video message in a "temporally independent pseudo-chronology" or "a position of the at least second audio/video message in the pseudo-chronology [is] determined by a user of [a] workstation." Instead, Yeager uses a page-based configuration of the message store [that] allows data to be categorized based on a pre-defined criteria, such as a time-period, e.g., a day or a week." (col. 5, lines 20-22) (emphasis added).

Yeager's col. 5, lines 17-34 further distinguishes itself from claim 45:

Each of these storage components are structured according to a page-based configuration. Each page can correspond to a pre-defined criteria, such as a particular time period. For example, in the described embodiment, each page of the storage components are day-based, where each storage component is organized at the top level based on the day a particular message was received. . .Thus, in the described embodiment, generally all messages received in a given day are stored in a data bucket corresponding to that particular day. (emphasis added)

The above-quoted passages do not describe creation of a pseudo-chronology by a user of a workstation where a position of at least a second audio/video message in the pseudo-chronology is determined by a user of the workstation. Instead, they describe a tagging of messages by the fixed time of their creation for the purposes of later indexing and retrieval. The purpose of this tagging is to improve efficiency of retrieval, not to create a temporally independent sequence of messages (a temporally independent pseudo-chronology) by a user of a workstation. Yeager is relying on a fixed, real-clock-time, non-user-modifiable chronology to tag the messages by the time/date they are received. The

messages are thus organized in a fixed sequence determined by this time, rather than allowing the position in the sequence of the message to be determined by the user of the workstation. The data bucket directories are an organizing method for the non-modifiable time-of-creation time tag on the messages and do not alter the sequences of messages. Yeager, therefore, describes a real and fixed chronology, not a dynamic pseudo-chronology.

Accordingly, Yeager does not describe a system or method whereby a user of a workstation can place a message in a pseudo-chronology at any arbitrary point the user desires. The steps outlined in Yeager do not yield a sequencing of messages that may be arbitrarily created in a pseudo-chronology under the control of a user of a workstation. Instead, Yeager describes a method of retrieving, by the recipient, a selection of messages that are arranged chronologically in a fixed order.

Accordingly, for at least the above reasons, amended claim 45 and dependant amended claim 46 are not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Yeager.

New claim 54 recites features of an embodiment of Applicant's invention slightly differently. Paragraph (d) recites:

(d) placing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the first audio/video message, the temporally independent pseudo-chronology being determined when the at least second audio/video message is placed on the workstation. .

That is, claim 54 recites when the temporally independent pseudo-chronology is determined. It is "determined when the at least second audio/video message is placed on the workstation." This recitation is supported at least by Figs. 16(a) to 16(h) and page 64, line 3 to page 67, line 18. Yeager, on the other hand, requires pre-defined criteria. (see, e.g., col. 5, line 21; col. 6, lines 30-31).

New claim 55 depends from amended claim 45. Claim 55 recites that "the user of the workstation is a creator of the at least second audio/video message." This recitation is supported at least by page 67, lines 7-16. These features are not shown in Yeager which requires pre-defined criteria and does not teach that a temporally independent pseudo-chronology can be determined by a creator of an audio/video message. Accordingly, claim 55 is not subject to rejection under 35 U.S.C. § 102(b) at least for the same reasons that claim 45 is not subject to rejection and also because Yeager does not disclose the additional features recited in claim 55.

For all of the above reasons, claims 45, 46, 54, and 55 are not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Yeager.

Paragraph 6 of the Office Action has rejected claims 42-44 and 50-53 under 35 U.S.C. § 103(a) as unpatentable over Yeager in view of Freeman et al. (U.S. Patent No. 6,006,227). The rejection is respectfully traversed.

Claim 42 recites, in part:

(f) placing the duplicate of the created at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the duplicate of the created first audio/video message, a position of the duplicate of the created at least second audio/video message in the pseudo-chronology being determined by a user of the second workstation. . .

For the reasons explained above regarding claim 45, Yeager does not disclose or suggest these features. Freeman also does not disclose or suggest these features, as explained in the response Applicant filed on February 14, 2008. Accordingly, even if Yeager and Freeman could be combined (which Applicant does not concede), the combined teaching would still not contain the recitations in paragraph (f) of claim 42.

In addition, page 6 of the Office Action agrees that "Yeager does not explicitly teach that the messages transferred and stored are duplicate of the created original message." The Office Action instead contends that "Freeman teaches messages transferred and stored are duplicate of the created original message." However, similar to Yeager's failings, Freeman also does not teach or suggest placing a duplicate of a message "in a temporally independent pseudo-chronology relative to" another message or "a position of the duplicate of the created at least second audio/video message in the pseudo-chronology being determined by a user of the second workstation." Freeman's failure to teach or suggest these features is highlighted by the following:

Clone duplicates an existing document and adds the duplicate to the main stream at a new time point. (col. 4, lines 37-39)

The Clone button duplicates an existing document and places the copy in the stream. (col. 6, lines 58-59)

As pointed out in Applicant's February 14, 2008 response, Freeman discloses that "[t]he stream preserves the order and method of document creation." (col. 4, lines 26-27). The use of a "stream" in Freeman accordingly invokes a fixed chronology in which a clone is placed at the current clock time, rather than in a pseudo-chronology in which a new message can be placed at a time point as determined by a user of the second workstation.

Again, therefore, even if Yeager and Freeman could be combined, the combination would not contain all of the features of amended claim 42.

Accordingly, amended claim 42 and dependent claims 43-44 are not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Yeager in view of Freeman.

New claims 56 and 57 depend from amended claim 42. They recite transferring duplicates of first or at least second messages from respective workstations to the server "responsive to a connection" between the respective workstations and the server. These claims are supported at least by page 41, lines 10-16. These features are not shown or suggested in Freeman where the creation of a clone requires a manual decision by a user. See, e.g., col. 4, lines 35-36 ("Users create documents by means of the new the clone operations."); col. 11, line 54 ("A user can also create substreams. . .") Accordingly, claims 56 and 57 are not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Yeager in view of Freeman at least for the same reasons that amended claim 42 is not subject to the rejection; and also because the features in claims 56 and 57 are not disclosed or suggested in Freeman.

New claim 58 also depends from amended claim 42. It recites that "the user of the second workstation is a creator of the at least second audio/video message." This recitation is supported at least by page 65, line 7-page 67, line 18. Accordingly, claim 58, dependent from claim 42, means that the temporally independent pseudo-chronology is determined by a creator of the at least second audio/video message. Freeman, in contrast, uses the actual, objective date and time, rather than placing organization in the hands of a message creator. See, e.g., Freeman col. 4, line 42 referring to "the present time point." Accordingly, claim 58 is not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Yeager in view of Freeman at least for the same reasons that amended claim 42 is not subject to the rejection; and also because Freeman does not disclose or suggest the features recited in claim 58.

Claims 50 and 52 also recite, in part, "a temporally independent pseudo-chronology" where a position of an audio/video message in a pseudo-chronology (claim 50) or in a sequence (claim 52) is determined by a user of a workstation. These claims and dependent claims 51 and 53 are not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Yeager in view of Freeman for at least the same reasons set forth regarding the rejection of claims 42 and 45.

Paragraph 7 of the Office Action has rejected claims 47-49, dependent from amended claim 45, under 35 U.S.C. § 103(a) as unpatentable over Yeager in view of Ogilvie et al.

(U.S. Patent No. 6,324,569). The rejection is respectfully traversed. Yeager does not teach at least the features discussed above. Although the Office Action contends that Ogilvie teaches a temporally independent pseudo-chronology, the cited passages in Ogilvie do not teach or suggest a pseudo-chronology as explained in Applicant's specification and as described above in the discussion of amended claim 45. Ogilvie also does not teach or suggest a position of a second audio/video message in a pseudo-chronology being determined by a user of a workstation. Therefore, even if Yeager and Ogilvie could be combined (which is not conceded), the combination would not disclose or suggest all of the features of claim 45. Accordingly, claim 45 and therefore dependant claims 47-49 are not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Yeager in view of Ogilvie for at least these reasons.

CONCLUSION

For all of the above reasons, all of the pending claims are now in condition for allowance, which action is respectfully requested.

Respectfully submitted,

RatnerPrestia


Jacques L. Etkowicz, Reg. No. 41,738
Stanley Weinberg, Reg. No. 25,276
Attorneys for Applicant

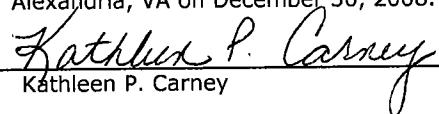
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P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

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Kathleen P. Carney